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12 *Attorneys for Defendant/Counter-Defendant*
13 *Estrella Homeowners Association*

14 UNITED STATES DISTRICT COURT

15 DISTRICT OF NEVADA

16 CARRINGTON MORTGAGE SERVICES, LLC,
17 Plaintiff,
18 vs.

19 ABSOLUTE BUSINESS SOLUTIONS, LLC; and
20 ESTRELLA HOMEOWNERS ASSOCIATION,
21 Defendants.

22 Case No.: 2:15-CV-01862-JAD-PAL

23 **STIPULATION AND ORDER TO
DISMISS CLAIMS AGAINST
ESTRELLA HOMEOWNERS
ASSOCIATION WITHOUT
PREJUDICE**

24 ECF No. 67

25 ABSOLUTE BUSINESS SOLUTIONS, LLC,
26 Counterclaimant,
27 vs.

28 CARRINGTON MORTGAGE SERVICES, LLC,
DOES I through x and ROE BUSINESS ENTITIES I
through X, inclusive,

29 Counterdefendants.

30 Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff Carrington Mortgage Services, LLC and
31 Estrella Homeowners Association, by and through their attorneys of record, stipulate as follows:

32 On September 4, 2018, Carrington Mortgage Services, LLC (Carrington) filed its
33 amended complaint asserting claims against Estrella Homeowners Association (Estrella) for
34 Unjust Enrichment, Breach of NRS 116.1113, and Wrongful Foreclosure. Carrington has also

1 asserted claims for declaratory relief/quiet title and injunctive relief against the purchaser at the
2 foreclosure sale, Absolute Business Solutions, LLC. Estrella is not a party to the declaratory
3 relief/quiet title claims.

4 Carrington has agreed to dismiss without prejudice the claims against Estrella, each party
5 to this stipulation to bear its own costs and fees, for Carrington to pursue its declaratory
6 relief/quiet title claims against Absolute. Carrington and Estrella also agree to a tolling of the
7 statute of limitations for the claims that Carrington has asserted in this action, or for those claims
8 which have not yet expired by the date of this stipulation, against Estrella associated with the
9 homeowners' association foreclosure sale that is the subject of this litigation to preserve these
10 claims in the event a court determines Carrington's interest was extinguished by the sale.
11 Carrington and Estrella do not agree to toll the statute of limitations period for any claims related
12 to the HOA sale that have already expired and Estrella does not waive its statute of limitations
13 affirmative defenses to any claims made in this action, if applicable.

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1 Estrella further agrees to be bound by the judgment of the Court as it relates to
2 Carrington's cause of action for declaratory relief/ quiet title.

3 DATED this 8th day of July, 2019.

4 AKERMAN, LLP

5 /s/ Tenesa S. Powell
6 Natalie L. Winslow, Esq.
7 Nevada Bar No. 12125
8 Tenesa S. Powell, Esq.
9 Nevada Bar No. 12488
10 1635 Village Center Circle, Suite 200
11 Las Vegas, Nevada 89134
12 Attorneys for Plaintiff Carrington
13 Mortgage Services, LLC

DATED this 8th day of July, 2019.

GORDON REES SCULLY MANSUKHANI, LLP

14 /s/ David T. Gluth
15 Robert S. Larsen, Esq.
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18 Nevada Bar No. 10596
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20 Las Vegas, Nevada 89101
21 Attorneys for Defendant Estrella Homeowners
22 Association

ORDER

23 Based on the stipulation [ECF No. 67] between plaintiff and Defendant Estrella
24 Homeowners Association, which I construe as a joint motion under Local Rule 7-1(c) because
25 it was signed by fewer than all the parties or their attorneys, and with good cause appearing, IT
26 IS HEREBY ORDERED that ALL CLAIMS AGAINST Defendant Estrella Homeowners
27 Association are DISMISSED without prejudice, each side to bear its own fees and costs.

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19 U.S. District Judge Jennifer A. Dorsey
20 Dated: August 14, 2019